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December 13, 1994

Mr. Mark T. Kim, Attorney
Lawrence Noble, General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Re: Objection to MUR 4012 Supplement

Dear Mr. Kim:

This letter is written on behalf of Frank G. Simon, Arthur A. Cerminara and Freedom's Heritage Forum in response to the "Supplement to Original Complaint" of Maureen Keenan and a news story about her original complaint.

Complainant and her attorneys have made public their complaint without the consent of the Respondent in violation of 2 U.S.C. 437g(a)(12) and 11 C.F.R. 111.21. As evidence of this illegal conduct, Counter-complainant submits the attached article which appeared in a newspaper of general circulation in Respondent's community. In addition, Complainant has made her complaint in bad faith, for improper purposes and, with the complicity of her attorneys, made wilfull false statements in violation of the laws of the United States.

Respondents request a restraining order or directive, sanctions, damages and civil injunctive relief for and against past and future violations of law by complainant. Clearly, the complainant and her attorneys are using the FEC to accomplish their political goals.

Very truly yours,


Vincent F. Heuser, Jr.

VFH/tc

cc: Frank G. Simon
Arthur A. Cerminara
Freedom's Heritage Forum

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Complaint alleges Simon violated election laws

By RICK McDONOUGH
Staff writer

Margaret Keenan is a Democrat, and she doesn't want to see Republican Susan Stokes elected to Congress from Kentucky's 1st District. But Keenan has come to Stokes' defense. She persuaded two lawyers to file complaints against Frank Simon and his political-action committee, President's Heritage Forum, for sending out anti-Stokes mailings before the May 24 GOP primary.

In the mailings, Simon, a leading local opponent of abortion and gay rights, described Stokes as a child killer and urged voters to support her opponent, Tim Harty, because he is against "special rights for homosexual behavior."

Keenan, a 26-year-old Highlands resident, said she was offended by those mailings and others. Simon has sent out in previous political cam-



aigns. "He's attacking people, people who are pro-choice, people who are liberal generally, gays and lesbians," she said.

In a formal complaint to the Federal Elections Commission, Keenan alleged that Simon and President's Heritage Forum violated election laws by contributing more than the law allows to Harty's campaign and by ignoring reporting requirements, including a commission rule that requires PACs to report large expenditures within 24 hours during the 90 days before an election.

The commission has the power to fine violators. Keenan, through her lawyers, Jennifer Hall and Karen Stewart, also filed a complaint with the U.S. Postal Service, saying Simon's group should not be permitted to send political mailings at the lower postal rate reserved for non-profit organizations. Each of the anti-Stokes mailings was sent out using a non-profit postage permit.

Simon's group spent an estimated \$7,200 over the regular bulk rate, the complaint says.

Simon said that he received notice of the complaint yesterday and the election commission has invited him to respond. He also said he has been in contact with postal officials and, at their request, has supplied copies of his mailings.

Simon said he has done nothing wrong. He attributed the complaints to "the homosexual movement."

"This just shows that the homosexuals are bad people," he said. "They lost the Fairness Campaign, they lost the election, they lost Melissa Kerlan's race. If they can't win fair and square, then they just try to make libelous complaints against everybody."

Simon acknowledged that he didn't know if any of the people involved in the complaint were homosexual, but he said one of the two lawyers,

Stewart, had written him a letter once representing a local gay and lesbian newsletter called "The Letter."

Keenan said sexual orientation had nothing to do with her complaint. "There is a man who wants him," she said. "I decided I didn't want to subsidize it anymore" by allowing him to use a lower postal rate.

James Carter, manager of business mail at the Louisville Post Office, said postal authorities will review the mailings in question. She didn't know how long it will take.

Simon said Carter told him that the people who approve non-profit postage permits may review whether President's Heritage Forum still qualifies as an educational organization. Simon said he's confident it will qualify.

An election commission spokeswoman said the agency's review could take six months or longer.

Indiana rules physician jailed illegally

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